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Paul S. Gryskiewicz  
Appl. No. 09/803,530**Remarks**

Reconsideration of this Application is respectfully requested. Upon entry of the foregoing Amendment to the Claims, claims 1-11, 13-29, 31, and 32-36 are pending in the application, of which claims 1, 10, 17, 23, 26, and 29 are independent. By the foregoing Amendment, claims 1, 10, 17, 23, 26-29, and 31 are sought to be amended. Claim 30 is sought to be cancelled. Claims 33-36 are sought to be added. No new matter is embraced by this amendment and its entry is respectfully requested. Based on the above Amendment and the remarks set forth below, it is respectfully requested that the Examiner reconsider and withdraw all outstanding rejections.

**Rejection under 35 U.S.C. § 102**

The Examiner, on page 3 of the Final Office Action, has rejected claims 1-8, 10-11, 13, 14, and 16 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,572,649 to Elliott *et al.* (hereinafter "Elliott"). Applicant respectfully traverses this rejection. Based on the remarks set forth below, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

To anticipate a claim of a pending application, a single reference must disclose each and every element of the claimed invention. *Hybritech Inc. v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 1397 (Fed. Cir. 1986). The exclusion of a claimed element from the single source is enough to negate anticipation by that reference. *Atlas Powder Co. v. E.I. du Pont de Nemours & Co.*, 750 F.2d 1569, 1574 (Fed. Cir. 1984).

With regards to independent claim 1, Elliott does not teach or suggest every element of Applicant's claimed invention. For example, Elliott does not teach or suggest

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at least the following: a controller to: display the video within an area of at least one object; and adjust a position of the at least one object in response to displaying the video, wherein to adjust the position of the at least one object comprises to arrange the at least one object in a manner so that both the video and the at least one object are prevented from having an impeded view.

Unlike the present invention, Elliott does not teach or suggest to display the video within the at least one object and arrange the at least one object in a manner so that both the video and the at least one object are prevented from having an impeded view. Instead, Elliott teaches a process for dynamically switching between a single top level window and multiple top level windows. In fact, in Figure 6, Elliott shows the electronic conferencing application window 92 overlapping the word processing window 88 displayed on screen 85. Unlike the present invention, in which the full text of the word processing window would be viewable, Elliott does not show the full text of the word processing window. In fact, with Elliott portions of the text are not viewable where the electronic conferencing application window 92 overlaps the word processing window 88. A similar situation is shown in FIG. 8 of Elliott as well.

For at least these reasons, Applicant respectfully submits that Elliott does not include each and every element of Applicants' claimed invention as recited in independent claim 1. Independent claim 10 recites similar elements to claim 1. Therefore, independent claims 1 and 10, and the claims that depend therefrom (claims 2-9, and claims 11, and 13-16, respectively), are patentable over Elliott. Applicant respectfully requests that the Examiner reconsider and withdraw the rejection of independent claims 1 and 10, and the claims that depend therefrom respectively.

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***Rejection under 35 U.S.C. § 103***

The Examiner, on page 5 of the Final Office Action, has rejected claims 9 and 15 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,572,649 to Elliott *et al.* (hereinafter "Elliott"). Applicant respectfully traverses this rejection. Based on the remarks set forth below, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

Claim 9 depends from independent claim 1, which is patentable over Elliott for at least the reasons stated above. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection of dependent claim 9.

Claim 15 depends from independent claim 10, which is patentable over Elliott for at least the reasons stated above. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection of dependent claim 15.

The Examiner, on page 6 of the Final Office Action, has rejected claims 17-32 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,572,649 to Elliott *et al.* (hereinafter "Elliott") in view of Microsoft Word 2000 by Microsoft Corporation, dated 12/31/99. Applicant respectfully traverses this rejection. Based on the remarks set forth below, Applicant respectfully requests that this rejection be reconsidered and withdrawn.

The Examiner states, on pages 6-7, that Elliott substantially teaches Applicant's invention as claimed with respect to independent claim 17, but that Elliott does not teach Applicant's element of "wherein the text is displayed in a manner that allows both the text and the video to be viewed without obstruction in the window." The Examiner further states that this element is taught by Word 2000.

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Applicant respectfully agrees with the Examiner that Elliott does not teach or suggest "wherein the text is displayed in a manner that allows both the text and the video to be viewed without obstruction in the window." Applicant respectfully disagrees that Word 2000 teaches this element. Word 2000 does not solve the deficiencies of Elliott. Contrary the present invention, which teaches that "the text is displayed in a manner that allows both the text and the video to be viewed without obstruction in the window", Word 2000 teaches displaying a still object (i.e., picture) within the text, not a streaming object (i.e., video). Applicant also asserts that neither Elliot nor Word 2000 teach Applicant's element of "wherein if the text is not viewed in its entirety in the window, the processor to enable scrolling of the window to view remaining portions of the text, wherein as the text is scrolled, the processor to arrange the remaining portions of the text around the video."

Thus, neither Elliott nor Word 2000, separately or in combination, teach or suggest Applicant's invention as recited in independent claim 17. Independent claims 23, 26, and 29 recite similar elements to claim 17. Thus, for at least these reasons, claims 17, 23, 26, and 29, and the claims that depend therefrom (claims 18-22, claims 24, 25, and 31, claims 27, 28, and 32, respectively), are patentable over the cited references. Applicant therefore respectfully requests that the Examiner reconsider and withdraw the rejection of independent claims 17, 23, 26, and 29, and the claims that depend therefrom respectively.

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***New Claims***

New claims 33-36 have been added. Support for claims 33-36 are found in the Specification on page 14, lines 6-24 and page 15, lines 12-22.

Claim 33 depends from independent claim 29, and thus, is patentable over the cited references for at least the reasons stated above. Claim 34 depends from independent claim 1, and thus, is patentable over the cited references for at least the reasons stated above. Claim 35 depends from independent claim 10, and thus, is patentable over the cited references for at least the reasons stated above. Claim 36 depends from claim 26, and thus, is patentable over the cited references for at least the reasons stated above.

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***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all currently outstanding objections and rejections and that they be withdrawn. It is believed that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Response is respectfully requested.

Respectfully submitted,

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Date

7/20/05